

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
COUNTY OF NEWPORT**

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 24th day of November 2014 A.D. at 7:00 p.m.

Vice-President deMedeiros opened the meeting with the Pledge of Allegiance to the Flag. The Tiverton Police Department Honor Guard, Detective Brendan McKinnon, Officer Brittney Foster and Officer John Leduc, was also in attendance.

**Roll Call: Edward A. Roderick-President - Absent
 Denise M. deMedeiros-Vice President
 James Arruda
 Joan B. Chabot**

**William P. Gerlach
Jay J. Lambert
Brett N. Pelletier**

Town Administrator, Matthew Wojcik and Town Solicitor, Andrew M. Teitz were also present.

A-1 REGULAR MEETING: (Retiring Town Council):

Vice-President deMedeiros: Call Meeting to Order

a.Pledge of Allegiance to the Flag

b.Town Clerk Takes Roll Call

c.Approval of Minutes

1. Approval of Regular Council Meeting of November 10, 2014

Councilor Pelletier made a motion, seconded by Councilor Gerlach to Approve the Regular Council Meeting minutes of November 10, 2014. Motion passed unanimously.

d.Remarks by Retiring Council Members Wishing To Speak

Vice-President deMedeiros thanked Councilors Arruda and Gerlach, was a pleasure to serve with them. Councilor Arruda thanked everyone who supported him this time and two years ago. Learned a lot, was an honor to serve, able to get a lot of things done. Trish Hilton, Conservation Commission requested to speak briefly. Councilor Gerlach was the liaison to the Commission, expressed sincere appreciation for everything the Councilor had done especially regarding Stafford Pond and presented the Councilor with a vintage bottle from 2014 of Stafford Pond Drinking Water. Councilor Gerlach thanked his wife and children for their unyielding patience and support. Thanked his colleagues on the Council, was a pleasure to serve. Agreed with Councilor Arruda, some good things were accomplished. Thanked the Department Heads for their service which largely goes unnoticed, have a dedication to the job. Thanked the members of the Conservation Commission, Open Space and Economic Development Committee for the hard work. Encouraged people to volunteer, get involved at the Town level.

e.Honorable Senators Walter S. Felag, Christopher Scott Ottiano and Louis P. DiPalma

Vice- President deMedeiros introduced the Honorable Senators Walter S. Felag, Christopher Scott Ottiano and Louis P. DiPalma. Senator Ottiano explained Senators Felag and DiPalma were unable to attend, Senator DiPalma was attending the Middletown Town Council induction ceremony, Senator Felag was at a previously scheduled seminar. Recognize the people who serve, giving of their time and energy. Senator Ottiano presented citations from the State Senators to Councilors Gerlach and Arruda, left the citation for Councilor Roderick with the Town Clerk. Thanked them for their service, greatly appreciated.

f.Honorable Representatives John G. Edwards and Dennis M. Canario

Vice-President deMedeiros introduced Honorable Representatives John G. Edwards and Dennis M. Canario. Representative Edwards thanked the retiring members, having served on the Town Council was aware of the time and effort involved. Presented outgoing Councilors with citations from the Representatives, thanked them for their service, thanked their families and congratulated all.

g. Swearing-in of Newly Elected Officials

A-2 SWEARING IN CEREMONY:

a.Swearing-in of Town Clerk, Town Council, Judge of Probate, Town Sergeant and Budget Committee b.Introduction of Town Clerk, Ms. Nancy L. Mello

The Town Clerk, Nancy L. Mello and Judge of Probate Court, Richard P. D’Addario were sworn in prior to the start of the meeting. Vice-President deMedeiros introduced Town Clerk Nancy Mello. Town Clerk Mello requested the newly elected members of the Budget Committee and Town Sergeant come forward. The Honorable Judge of Probate Court, Richard P. D’Addario administered the Oath of Office to the following newly elected officials.

Budget Committee: Donna J. Cook, Cecil E. Leonard, Nancy Driggs, Deborah Janick and John E. Souza
Town Sergeant: Randy Costa

Judge D’Addario administered the Oath of Office to the re-elected and newly elected Town Councilors: Joan B. Chabot, Denise M. deMedeiros, Jay J. Lambert, Peter A. Mello, Brett N. Pelletier, David Perry and Joseph R. Sousa

A-3 REGULAR MEETING: (Incoming Town Council):

Ms. Nancy Mello, Town Clerk

a.Request Newly-Sworn Council Members be Seated

Town Clerk Mello requested the newly sworn Council members be seated to conduct the Roll Call.

b.Roll Call of Town Council

**Joan B. Chabot
Denise M. deMedeiros
Jay J. Lambert**

**Peter A. Mello
Brett N. Pelletier**

**David Perry
Joseph R. Sousa**

c.Conduct Election of Town Council President

Town Clerk Mello explained the process to conduct the election of the Town Council President. The Clerk will request nominations until no others are brought forward and will then take the first nomination, call for a vote. As soon as one person receives 4 or more votes that person will be President. At the request of the Town Clerk the Solicitor checked Robert's Rules of Order. The first candidate to have a majority would win, abstentions will not effectively work. For example if the vote is 3 for, 2 against and 2 abstentions then that person becomes president. Can vote no in the first round and vote in the later rounds. At this time Town Clerk Mello asked for nominations for Council President. Councilor Sousa nominated Councilor Chabot, Councilor Pelletier nominated himself and Councilor Mello nominated Councilor deMedeiros. Town Clerk Mello called three times for any more nominations, hearing none closed the nominations. Votes on the nomination of Councilor Joan Chabot were as follows: Councilors Sousa, Chabot and Lambert in favor, Councilors Perry, Pelletier, deMedeiros and Mello voted no. Votes on the nomination of Councilor Pelletier were as follows: Councilors Sousa, Pelletier and deMedeiros in favor, Councilors Perry, Chabot, Lambert and Mello voted no. Votes on the nomination of Councilor deMedeiros were as follows: Councilors Perry, Mello and deMedeiros in favor, Councilors Sousa, Chabot and Pelletier voted no, Councilor Lambert abstained. Town Clerk Mello noted there was no majority for anyone in these nominations. Solicitor Teitz explained a new round of nominations would have to be taken.

Councilor Pelletier nominated himself, Councilor Mello nominated Councilor deMedeiros and Councilor Sousa nominated Councilor Chabot. Town Clerk Mello called three times for any other nominations for President, hearing none closed the nominations for President. In the second round of nominations for Council President the votes on the nomination for Councilor Pelletier were Councilors Sousa and Pelletier in favor, Councilors Perry, Chabot, Lambert, Mello and deMedeiros opposed. The votes for Councilor deMedeiros in the second round were as follows: Councilors Perry, Lambert, Mello and deMedeiros in favor, Councilors Sousa, Chabot and Pelletier opposed. Town Clerk Mello declared a majority of votes for Councilor Denise deMedeiros as Council President with 4 votes. An audience member requested the Clerk repeat the results of both rounds of votes. Town Clerk Mello explained in the first round Councilor Chabot received 3 votes in favor and 4 no votes. Councilor Pelletier received 3 votes in favor and 4 no votes. Councilor deMedeiros received 3 votes in favor, 3 no votes and 1 abstention. There was no majority in those votes.

The second round of votes Councilor Pelletier received 2 votes in favor, 5 no votes. Councilor deMedeiros received 4 votes in favor and 3 no votes. Town Clerk Mello declared Councilor Denise deMedeiros as Town Council President.

Town Council President:
a.Election of Vice President

Council President deMedeiros called for nomination for Council Vice-President. Councilor Perry nominated Councilor Pelletier for Vice-President. Councilor Sousa nominated Councilor Chabot for Vice-President. Votes on the nomination of Councilor Pelletier were as follows: Councilors Perry, deMedeiros and Pelletier in favor, Councilors Sousa, Chabot, Lambert and Mello voted no. Votes for Councilor Chabot were as follows: Councilors Lambert, Chabot, souse and Mello in favor, Councilors deMedeiros, Pelletier and Perry voted no. Councilor Joan B. Chabot was elected Council Vice-President.

A brief recess was taken in order to hold a reception for the new Council.

b.Remarks – Newly Elected Town Council Members

At this time President deMedeiros called for remarks from the newly elected Council members. Councilor Sousa spoke about lawsuits in Town, read about a loss of money in Tiger Tree litigation, looking to seek damages to

make the Town whole with possible suit against Solicitor's liability insurance. Request this be put on the next agenda for discussion, may need special counsel to file a claim. Councilor Perry thanked everyone who voted for him, thanked his wife and Sally Black for campaigning for him. Hoping to do the work of the Town. President deMedeiros thanked everyone who supported her and voted for her as president. Thanked Sally Black as well.

A-4 BUSINESS BROUGHT BEFORE THE COUNCIL

Approval of Consent Agenda:

All items listed with "(CA)" are to be considered routine by the Town Council and will ordinarily be enacted by one motion. There will be no separate discussion of these items unless a member of the Council, or a member of the public so requests and the Town Council President permits, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Council President deMedeiros read the items on the Consent Agenda. President deMedeiros requested removal of item CA5, Town Administrator – Distribution of Monthly Overtime Report for October 2014. Councilor Chabot requested removal of item CA2a, RI State Planning Council - Notice of Public Hearings Regarding "Solid Waste 2038".

Councilor Lambert made a motion, seconded by Councilor Sousa to approve the rest of the item on the Consent Agenda. Motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA:

(C.A.) 1. Receipt of Minutes from the Following Boards, Commissions:

a. Art's Council b. Cemetery Commission c. Planning Board (2)

(C.A.) 3. Approval of Tax Assessor Abatements

(C.A.) 4. Approval of Petition by Verizon New England Inc. and Narragansett Electric Co. for One New Joint Pole (P.4) on the Northeasterly Side of Beech Avenue for Purpose of Removing Existing Pole from the Center of the Driveway of #42 Beech Avenue

a. Response From S. Berlucchi, DPW Director

b. Copy of Town Stipulations Required for Approval

(C.A.) 6. Town Administrator – Distribution of Department Monthly Report – October 2014

(C.A.) 7. Treasurer Denise Saurette- Distribution of Budget & Revenue Reports October 2014

BUSINESS BROUGHT BEFORE THE COUNCIL

(C.A.) 2. Correspondence – Receive and File

a. RI State Planning Council - Notice of Public Hearings Regarding "Solid Waste 2038"

Councilor Chabot wanted to make sure the Town was going to have representation at one of these meetings.

Town Administrator Wojcik affirmed there would be, Councilor Mello requested a member of the Conservation Commission also be in attendance.

(C.A.) 5. Town Administrator – Distribution of Monthly Overtime Report for October 2014

President deMedeiros pointed out shortfall in overtime account, the monthly expense report shows only \$40K left in that account and only 5 months into yearly budget. Questioned where additional money would come from, like to address with the Town Administrator (T/A) and Fire Chief Robert Lloyd. T/A Wojcik explained the OT rate was unsustainable, unacceptable. Has to do with the break out of the shifts, have 2 firefighters injured on duty, they get paid for those shifts according to the contract. Suggests two firefighters go out on disability pensions. Disability benefits are not simply awarded is a process, will update as appropriately in public. Chief Lloyd explained there are 3 people left on the list, other communities are hiring, should move forward to get a new list going. President deMedeiros requested some kind of plan for the next meeting for discussion. Councilor Sousa suggested turning fire inspections back to the State and closing a station. Chief Lloyd explained the Collective Bargaining agreement stipulates the number of people that must be on duty, closing a station will not make a

difference. Councilor Lambert objected at this point, this discussion goes well beyond the purview of the Consent Agenda, should put on the next Council agenda for discussion. President deMedeiros requested T/A Wojcik and Chief Lloyd come up with a plan, would like to know the overtime expense at every meeting.

Councilor Pelletier made a motion, seconded by Councilor Perry to Receive and File items CA2a and CA5. Motion passed unanimously.

A-8-OPEN PUBLIC FORUM FOR ANNOUNCEMENTS, COMMENTS, QUESTIONS

John Martin noted the Budget Committee vacancy, placed 6th in the voting, requested consideration for appointment to the Budget Committee. President deMedeiros explained at this time the Council cannot ask questions. Leslie Poldervaart thanked various EMT's, paramedics and members of the Fire Department for the quick response to a 911 call regarding her mother's broken leg. They were very professional. Suggested doing something with the budget to stop creating problems. Thanked the Police Department as well. Justin Katz congratulated all, suggested considering putting the open public forum at the end of the agenda. Mr. Katz did some research, was precedent for Council to appoint next highest vote getter to the Budget Committee. The Charter states the Council can appoint as they see fit, urge the Council to consider the next highest vote getter. Michael Burk congratulated on behalf of the Democratic Town Committee the newly re-elected and elected members of the Town Council, School Committee, Budget Committee, Town Sergeant, Town Clerk and Judge of Probate Court. Thanked all the elected official leaving office at this time. Also thanked outgoing Council members and outgoing Town Sergeant. Hopeful to work on positive solutions for the Town. Requested Mr. Katz do homework on the precedent of appointing to the Budget Committee.

B-PUBLIC HEARINGS & PUBLIC PRESENTATIONS:

1. Barbara Pelletier- Celebration of Tiverton's Farming Community

Barbara Pelletier congratulated all, has been working on identifying members of the Farming Community. Sent out invitations from the Town Hall, hoped some were in attendance. Mrs. Pelletier used local apples to make one of the desserts. The State is trying to push agricultural tourism.

C. TOWN COUNCIL SITTING AS BOARD OF LICENSING

ADVERTISED PUBLIC HEARINGS FOR LICENSE RENEWALS - SUBJECT TO MEETING LEGAL REQUIREMENTS (December 1, 2014 to November 30, 2015)

Junkyard and Second Hand Dealer License Renewals December 1, 2014-November 30, 2015 – Subject To Meeting All Legal Requirements

1. Arnold's Auto Parts, 1484 Crandall Road
2. Alan J. Lagasse, d/b/a Lagasse Salvage Yard, 20 Cory's Lane
3. Sanford & Son LTD, 104 Cynthia Avenue
4. South Shore Tiverton LLC., 413 Bulgarmarsh Road
5. Tiverton Auto Parts, Inc., 541 Bulgarmarsh Road
6. Tiverton Auto Parts, Inc., 533 Bulgarmarsh Road & Lot 116 Card 29
7. General Auto Recycling Inc., 384 King Road – Pending Violation, Town Solicitor
Recommends a 60 Day License Renewal

President deMedeiros opened the public hearing, called for comment. Chris Petropoulos noticed a 60 day license was recommended for General Auto Recycling due to violation. Mr. Petropoulos stated he had not been given any formal violation in writing, did not know of anything. Was contacted by Solicitor Teitz last Thursday telling him about the notice. Has not been found guilty of any violation, should be issued a license for the normal year. Solicitor Teitz explained an inspection was done months ago; has been working with the new Building Inspector. Is an active notice of violation pending even though he has not received it yet. Suggest issuing for 120 days, was mailed to ABC Corp, did call last week to let him know he would be receiving a notice. Councilor Sousa noted a presumption of innocence; license should be issued, if a violation found then come before the Council. President deMedeiros requested if any more comments from the public, closed the hearing. Councilor Pelletier questioned what the process was as there were two separate items subject to meeting all legal requirements. Questioned if there was an opportunity to revoke a license for a zoning related issue and the process. Solicitor Teitz explained a

license is typically issued subject to meeting all legal requirements. The alternative if an issue is found would be a show cause hearing before the Council, burden of proof is somewhat significant on the part of the Council. A license is a privilege which is why it is granted for one year, is a higher burden for show cause. Councilor Perry did not see why the license could not be issued for 60 days, is still in operation, are not closing down the business, let due process work itself out. Councilor Sousa questioned this, had not seen a notice of violation. Councilor Pelletier explained it was in the packet attached to the application. Solicitor Teitz handed out copies of the notice of violation, Councilor Pelletier noted it was a notice of a zoning violation, did not know what the violation was. Town Clerk Nancy Mello questioned if the Council was directing the Clerk to issue the license subject to meeting all legal requirements, in the past have not issued if not cleared by Zoning.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve all Junkyard and Second Hand Dealer Licenses for C1, 2, 3, 4, 5 and 6 for a term December 1, 2014-November 30, 2015 – Subject To Meeting All Legal Requirements. Motion passed on a vote of 5-2, Councilors Sousa and Chabot opposed.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve C7, General Auto Recycling Inc., 384 King Road for 120 days subject to meeting all legal requirements. Motion passed on a vote of 4-3, Councilors Sousa, Chabot and Mello opposed. Some discussion followed, Town Clerk Mello noted this was like telling the Clerk the violation was okay with these requirements. The Building/Zoning Official is stating there is a violation, making it difficult for the Town Clerk to issue a license. Solicitor Teitz suggested Councilor Pelletier amend the motion so the license is subject to all other legal requirements other than the pending violation.

Councilor Pelletier amended the motion, seconded by Councilor Perry to Approve C7, General Auto Recycling Inc., 384 King Road for 120 days subject to meeting all other legal requirements other than the pending violation. Motion passed on a vote of 4-3, Councilors Sousa, Chabot and Mello opposed.

Liquor License Renewals – December 1, 2014 to November 30, 2015 – Subject To Meeting All Legal Requirements

CLASS A – Liquor Stores - (\$1000)

1. Chandri, Inc. d/b/a Tiverton Liquors, 65 Main Rd.
2. Nimraj, Inc. d/b/a Crossroad Liquors Inc. 1540 Bulgarmarsh Rd.
3. Smittom Inc. d/b/a Stone Bridge Liquors 2490 Main Rd.

President deMedeiros opened the public hearing for comment on the Class A Liquor Stores license renewals. Called for comment from the public three times, hearing none called for a motion.

Councilor Pelletier made a motion, seconded by Councilor Perry to approve all the Class A Liquor Stores license renewals as listed subject to meeting all legal requirements. Motion passed unanimously.

CLASS BV– Full Liquor License - (\$800)

1. Silva Brothers Inc. d/b/a Barcello's Family Restaurant, 1214 Stafford Rd.
2. Spring Restaurant, Inc. 118-120 Main Rd
3. Le Moulin Rouge, Inc. 1403 Main Rd
4. Benjamin's Sports Pub, Inc. 4 Stafford Rd
5. Faithe J. Bortz d/b/a P. J's Café 301 State Ave.
6. Evelyn's Nanaquaket Drive-In, Inc. 2335 Main Rd.
7. Kfoury Inc. d/b/a Brantal's Restaurant, Banquet & Catering Facility, 91-97 Crandall.
8. The Boat House Restaurant, LLC, 227 Schooner Drive
9. Nonni's Inc. d/b/a Nonni's Kitchen & Pasta Shop 1154 Stafford Rd.
10. HUEJAN Inc. d/b/a Lil' Bear Sports Lounge 983 Main Rd.
11. Everett Lane Inc. d/b/a Family Ties Restaurant 221 Main Road
12. Atlantic Sports Bar & Restaurant, 70 Shove St.
13. Susan's Restaurant 13 Crandall Rd.
14. Black Goose Company d/b/a Black Goose Café 2160 Main Rd.

15. TRDR, Inc. d/b/a Red Dory Restaurant, 1848 Main Rd

President deMedeiros opened this portion of the public hearing, called for comment three times from the public for Class BV Full Liquor License renewals. Hearing no comments closed this portion of the public hearing.

Councilor Pelletier made a motion, seconded by Councilor Mello to Approve all Class BV 1 through 15 Full Liquor License Renewals as listed subject to meeting all legal requirements. Motion passed unanimously.

CLASS BVL – Limited Liquor License (\$400.)

- 1. Classic Pizza Inc. 495 Main Rd.**
- 2. Soule-Seabury Associates, Inc. d/b/a Four Corners Grill, 3841 Main Rd.**
- 3. Fu Bing Nan Corp. d/b/a Asian Gourmet, 1715 Stafford Rd.**

President deMedeiros opened this portion of the public hearing, called for comments from the public three times on the renewals for Class BVL Limited Liquor Licenses. Hearing no comments closed this portion of the public hearing.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Class BVL Limited Liquor Licenses for the three applicants listed subject to meeting all legal requirements. Motion passed unanimously.

CLASS BT – Bed and Tavern - (\$800)

- 1. Senior Lifestyle Sakonnet Bay LP, 1215 Main Rd.**

President deMedeiros opened this portion of the public hearing, called for comment on this license renewal three times. Hearing none closed this portion of the public hearing.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the one Class BT, Bed and Tavern license renewal subject to meeting all legal requirements. Motion passed unanimously.

CLASS D –Unlimited Club Licenses (\$200.)

- 1. Father Joseph Boehr Columbian Club, Inc.
d/b/a Knights of Columbus, 28 Fish Rd.**
- 2. Woodrow L. Silvia Post Home Association, Inc. 134 Shove St.**
- 3. Bayview Holy Ghost Citizens Club, 66 Bottom St.**

President deMedeiros opened this portion of the public hearing, called for comment three times. Hearing none closed the public hearing.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve all of the Class D, Unlimited Club Licenses as listed subject to meeting all legal requirements. Motion passed unanimously.

NON ADVERTISED PUBLIC HEARINGS FOR LICENSE RENEWALS - SUBJECT TO MEETING LEGAL REQUIREMENTS (December 1, 2014 to November 30, 2015)

Manufactured Home Elderly Community License Renewal – Countryview Estates

- a. Planning Board Recommendation**
- b. Building/Zoning Official Recommendation**

There were no comments on this license renewal.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Manufactured Home Elderly Community License Renewal for Countryview Estates subject to meeting all legal requirements. Motion passed unanimously.

NEW NON-ADVERTISED LICENSE - SUBJECT TO MEETING LEGAL REQUIREMENTS (December 1, 2014 to November 30, 2015)

Jason Kobelecki, 135 Caribou Way, Tiverton – Requests Approval of Private Detective License
a. Recommendation of Police Chief

There were no comments on this license request.

Councilor Pelletier made a motion, seconded by Councilor Perry to Approve the Private Detective License for Jason Kobelecki, 135 Caribou Way, subject to meeting all legal requirements. Motion passed unanimously.

D-APPOINTMENTS & RESIGNATIONS:

1. Resignation of David Perry from the Budget Committee- Effective 11/10/2014

President deMedeiros was sorry to see Councilor Perry leave the Budget Committee, happy to have him on the Council.

Councilor Sousa made a motion, seconded by Councilor Pelletier to accept the Resignation of David Perry from the Budget Committee effective 11/10/2014. Motion passed unanimously.

2. Resignation of Cary Bailey from the Historical Cemeteries Commission

Councilor Pelletier made a motion, seconded by Councilor Perry to accept the Resignation of Cary Bailey from the Historical Cemeteries Commission with great thanks and gratitude for years of service to the Town. Motion passed unanimously.

E-UNFINISHED BUSINESS:

DPW Director Stephen Berlucchi – Discussion Regarding Recommendation for Determination of Ownership and Town Services on Cynthia Avenue

DPW Director Berlucchi appeared before the Council last year on this issue. Have a previous unaccepted unpaved gravel road not servicing. The Street Committee has been looking at 9 various roads, 5 did not meet the criteria, voted to not receive Town services. Cynthia Avenue was next on the list, when it was subdivided the developer requested a private road. Not being taken care of by the owner, cannot drive plows down the road, has issues with drainage. Sent a letter last year to remind about the plowing, directed by that Council to fix for the winter, graded, filled the trenches. Cannot do any more, according to Town Code if a road is not accepted the DPW should not be providing services until brought to standard and accepted by the Council. This road has never been accepted by the Council for Town services, got an opinion from the Solicitor last year. Cynthia Avenue remains a public way for people to travel over. Cynthia Avenue is a private road, DPW services should be stopped except for the collection of rubbish at Crandall Road. Councilor Chabot noted at the 3/13/2012 Street Committee meeting, that committee at the time voted to terminate Town services for the road. Two people voting in favor should not have been allowed to vote, should have recused. Cannot accept those minutes, needs to go back to the current Street Committee. President deMedeiros agreed, the current Street Committee needs to give the Council a recommendation. Director Berlucchi explained the larger potholes were filled, graded twice to make possible for plowing and standing. Jim O'Dell, Street Committee member noted this was just on their agenda to do research, make a recommendation to the Council.

Director Berlucchi received a call from Mr. O'Dell regarding a complaint about the road. The Planning Board approved the layout when the road was built, the developer proposed the road to be private, drainage is the issue, road has to be rebuilt. Councilor Sousa opined this was a private road, up to the people to come up with a plan to fix or put on as a ballot question as a voter initiative. Councilor Lambert suggested when this first came up the

Town needed to come up with a plan. Have 164 unaccepted streets, a number of Towns in New England have a similar problem; some have come up with municipal plans. Like to see the Council resolve as a Town issue. Could cost \$20-30K, typical families living on these streets will not be able to fund. President deMedeiros suggested getting a recommendation from the Street Committee.

Councilor Perry made a motion, seconded by Councilor Chabot to send this request to the Street Committee to come back to the Council for further review. Discussion followed. Solicitor Teitz noted a couple of members of the Street Committee need to recuse, two people are in close proximity. Need to make sure there is a quorum of the other members. Did receive a call from an attorney, Peter Dougherty, representing several residents. He was just contacted; he requested this not be acted on tonight. Director Berlucchi looked for permission from the Council to maintain the road, fill the potholes for plowing. Councilor Pelletier suggested not leaving this open ended, should come back to the Council by a certain date. Councilor Perry amended the motion, to have this come back before the Council for the second meeting in January. Motion passed unanimously.

Councilor Sousa made a motion, seconded by Councilor Lambert to allow DPW Director Berlucchi to do whatever to make sure the road is passable for the plows. Councilor Pelletier was looking for the document signed by the residents. Town Clerk Mello did not recall an end date at that time. President deMedeiros noted a motion was not needed. Councilor Sousa withdrew the motion.

F-FINANCIAL BUSINESS:

There was no financial business on the agenda.

G-NEW BUSINESS:

There was nothing for this topic on the agenda.

H-BIDS AND REQUESTS FOR PROPOSALS:

There were no bids or requests for proposals on this agenda.

I-TOWN ADMINISTRATOR ITEMS AND ANNOUNCEMENTS:

T/A Wojcik addressed two issues raised this evening. Wanted to make clear what happens every day with Town officials. Strive to enforce the rules as they are written, to work within the processes. When a taxpayer calls with a complaint related to zoning matter every effort is made to provide to a factual basis, to reach a sum conclusion. Will make every effort to enforce the rules as they are written. When it comes to certain items zoning and licensing are interdependent, both have different burdens of proof, easier to hold back a license than revoke one when given. Every effort is being made to make sure this business continues. Regarding streets, expressed every effort should be made to reach an agreement first, if nothing else to preserve the status quo. Disagreed with the interpretation of Director Berlucchi, he is not to go on any unaccepted streets. Council makes the rules, can address, could create rules for substandard streets. Cannot ask any official to resist the law; always have to put safety first. Residents have equity of services all these years; will work on finding a solution.

J-COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

1. Councilor Pelletier & Former Councilor Gerlach – Distribution and Review of Information Relating to Ongoing Effort to Improve Trash and Recycling Infrastructure at Parks and Beaches

Councilor Pelletier provided a progress report on improving trash and recycling at Town parks and beaches. Provided copies of the presentation given in June, contacted the manufacturer regarding bulk discounts. Have 27 potential locations, 20% discount if buying in bulk, expected price increase next year. Reached out to various Town officials to get input. Councilor Sousa suggested asking the current contractor what the cost of pick up and disposal would be should look at those options. Councilor Lambert addressed, purpose of this was to get costs, have no problem with researching options. Has been made clear by RI Resource Recovery money has to be spent on recycling, have to provide a report on how the money is spent. Pick up can be done privately, should take up options with the Landfill Committee. Councilor Pelletier commented, difficult to get a trash truck down the road at Town Farm, cannot drive them on the beaches. T/A Wojcik agreed, options need to be priced out. Councilor

Perry pointed out there could be an additional cost for the pickup. Councilor Pelletier was happy to entertain any and all options.

Councilor Perry requested Administrator Wojcik put together an RFP for the first meeting in December for proposals for a Town Solicitor. Made as the form of a motion, was seconded by Councilor Sousa, discussion followed. Councilor Lambert questioned if this was appropriate under Council comments. President deMedeiros explained the Council could direct the T/A to draw up an RFP to put on the next agenda, so there was no need for a motion. Councilor Lambert believed this should be an item for discussion. Councilor Perry had spoken to the Clerk who opined the T/A could be directed to do so. Town Clerk Mello explained it would not be voted on until it comes back on an agenda. Some discussion followed on the agenda process, requests should be sent to the Clerk, agenda has a 48 hour posting requirement. Councilors should interact with the Clerk. T/A Wojcik requested clarification on the RFP, really Request for Qualifications (RFQ), have three attorneys, one for litigation, municipal, one for labor matters and an Assistant Solicitor for Planning Board/Zoning Board matters. Questioned if the Council wanted two or three RFQ's. Councilor Perry requested three, leaving labor separate. Councilor Pelletier requested for the next agenda a list of Council Liaisons, Board and Commission vacancies.

K-TOWN SOLICITOR – ITEMS AND ANNOUNCEMENTS:

1. Alcohol Service – BYOB Proposed Ordinance – Scheduling of Public Hearing on January 26, 2015

Solicitor Teitz presented a proposed draft ordinance, request of the Council from the last meeting. Explained Section 6.1 was relative to the existing liquor licenses, follows State law to incorporate with existing laws. Suggested having the public hearing on the second meeting in January.

Councilor Lambert made a motion, seconded by Councilor Perry to schedule a Public Hearing on BYOB Proposed Ordinance on January 26, 2015. Motion passed unanimously.

2. Tiverton vs James and Melissa Pelletier (Tiger Tree) – Supreme Court Filing

Solicitor Teitz explained, was for Council information on the Town's recent filing on the appeal before the Supreme Court, called a Rule 12A Statement, is a mini brief to the Court as to what the issues are, sets forth the Town's position. There are two appeals, the Pelletier's appeal on their guilty conviction and the Town's appeal on the sentence raised on the issue of the form.

Added to agenda for discussion only.

Solicitor Teitz requested a motion to add to the agenda Solicitor's comments about the streets.

Councilor Perry made a motion, seconded by Councilor Lambert to add for discussion comments about the streets. Motion passed 5-2. Councilor Chabot and Mello abstained.

Solicitor Teitz echoed the Administrator's comments; there is a middle ground for the streets as evidenced by Lawrence Court. Thinks it is legally possible to come up with a contractual agreement for the Town to maintain the road, will continue to strive toward that end.

L-TOWN CLERK ITEMS AND ANNOUNCEMENTS:

1. Scheduling of Special Meeting for Executive Session for Discussion of Labor Issues

Town Clerk Mello was looking for a consensus of the Council to schedule a special meeting for discussion of labor issues. Should be a special meeting as it could be lengthy. Next regular meeting is December 8, holding December 22 if the Council chooses to have that meeting, traditionally not held. Councilor Pelletier preferred a Tuesday or a Thursday, either the 4th or the 11th. Councilor Pelletier requested IAFF is first on that agenda, as he will have to recuse for IBPO.

2. Scheduling of Town Council December Meetings

Town Clerk Mello questioned if the Council wanted the December 22 meeting. Consensus was for a meeting.

3. Approval of 2015 Meeting Schedule

Town Clerk Mello provided a list of the proposed 2015 Town Council meeting schedule, explained the fifth week of the month is held for Council workshops. Councilor Pelletier questioned why September 15, Tuesday after Rosh Hashanah. Solicitor Teitz explained he may or may not be Solicitor, Rosh Hashanah ends at sundown on Tuesday. President deMedeiros pointed out the public would also be able to attend.

Town Clerk Mello explained will provide a copy of the Council Governance policy, can distribute ahead of time. Council goals usually go on the first meeting, suggest emailing to the Clerk in order to collate. Also mentioned was the agenda, if something is mentioned during the meeting the Clerk usually picks it up. The Council like the Administrator can put an item on at any time. The Clerk tries to screen what the public puts on, there is a deadline, have to try to strictly adhere, try to keep the agenda manageable. Should be having the agenda by Thursday, which is under the Governance policy. The deadline for the agenda is 3pm on Tuesdays. The Clerk asked the Council to provide backup when submitting an agenda request.

5. CLOSED EXECUTIVE SESSION:

1. Solicitor – Litigation - 42-46-5(a) (2) – McLaughlin v. Town of Tiverton

Councilor Lambert made a motion, seconded by Councilor Pelletier to enter into Closed Executive Session pursuant to 42-46-5(a) (2) – Litigation – McLaughlin v. Town of Tiverton. Motion passed unanimously.

The Council entered into Executive Session at approximately 9:40 p.m.

The Council returned to Open Session at approximately 10:05 p.m.

OPEN SESSION:

In Open Session President deMedeiros announced no action was taken in Closed Executive Session.

Councilor Pelletier motioned to seal the minutes of Closed Executive Session. Seconded by Councilor Sousa passed on a vote of 6-1, Councilor Chabot opposed.

ADJOURNMENT:

Councilor Lambert motioned to adjourn, seconded by Councilor Perry passed unanimously.

Council adjourned at approximately 10:10p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk